

三

To: Hon. James V. Selna  
c/o U.S. District Court - CACD  
411 West 4th Street  
Santa Ana, CA 92701-4516

27 November 2020

2020 NOV 30 PM 3:16

To Whom It May Concern: *Central District, Los Angeles*

2000 DIA

DTA

I am writing in re: *Alvarez v. Sirius XM Radio Inc.*, docket no. 2:18-cv-08605-JVS-SS. I, the undersigned, do hereby object to the proposed class action settlement and give notice of my intent to appear pro se at the final approval hearing scheduled for 25 January 2021. I request 5 – 10 minutes to address my objections with the Court.

I, the undersigned, have standing as a member of the active lifetime subscribers class (Identifier no. 334CFT9AF3). My subscription predates the merger of Sirius Satellite Radio and XM Satellite Radio, but Defendant has not provided me with an exact date. I estimate that I purchased my lifetime subscription from Sirius Satellite Radio in 2005 or 2006. I have previously objected to *Dover et al v. British Airways, PLC (UK)*, docket no. 1:12-cv-05567 (RJD)(CLP).

I, the undersigned, object to the proposed class action settlement on the following grounds:

1. Defendant's delivery of class action notice by United States Mail is insufficient given the 2018 amendments to Rule 23(c)(2) of the Federal Rule of Civil Procedure, which set forth new uniform standards for class notifications. Considering recent disruptions to the United States Mail, notice should also have been conveyed by electronic mail to all class members.

2. This agreement unjustly enriches Defendant. Defendant failed to disclose the existence of any transfer fee at the time of subscription; having provided no written agreement upon purchase. Further, Defendant downgraded the number of channels lifetime subscribers would receive when it introduced subscription packages (see Exhibits A and B).

3. There is nothing in this agreement that prevents Defendant from engaging in this activity in the future (i.e. no injunctive relief or prospective assurances), which likely will necessitate future litigation. Certainly, this Settlement reduces the improper assessments of similar surcharge to simply a cost of doing business for Defendant.

4. The process for objecting is quite onerous. The long form notice requires that objections be sent to the Settlement Administrator, Settlement Class Counsel, and the lawyers for Defendant. It is unlikely most Settlement Class Members will know to look at the Settlement Agreement itself to locate such addresses, thereby discouraging objections.

I, the undersigned, swear that the foregoing is true under penalty of perjury this 27th day of November 2020.

Joshua A. Sauberman  
72 Terrehans Lane, Syosset, NY 11791-6326  
+1-213-282-8272



cc.

SiriusXM Settlement Administrator  
c/o Epiq Class Actions & Claim Solutions, Inc.  
PO Box 4079  
Portland, OR 97208-4079

AHDOOT & WOLFSON, PC

Robert R. Ahdoot  
Bradley K. King  
Theodore Maya  
Tina Wolfson  
2600 West Olive Avenue  
Suite 500  
Burbank, California 91505-4572  
Tel: +1-310-474-9111  
rahdoot@ahdootwolfson.com  
bkking@ahdootwolfson.com  
tmaya@ahdootwolfson.com  
twolfson@ahdootwolfson.com

ABINGTON COLE + ELLERY

Cornelius P. Dukelow  
320 S. Boston Avenue  
Suite 1130  
Tulsa, Oklahoma 74103-4700  
Tel: +1-918-588-3400  
cdukelow@abingtonlaw.com

STOLL STOLL BERNE LOKTING & SHLACHTER, P.C.

Keith S. Dubanevich  
209 SW Oak Street  
Suite 500  
Portland, Oregon 97204-2740  
Tel: +1-503-227-1600  
kdubanevich@stollberne.com

JONES DAY

Thomas Demitack  
901 Lakeside Avenue  
Cleveland, OH 44114-1190  
Tel: +1-216-586-7141  
tdemitack@jonesday.com





## Billing Summary [View Details](#)

Balance Due Now: \$0.00

[Redeem a Prepaid or Gift Card](#)

Last Payment Amount: \$20.63

[Last Payment Date: 11/02/2020](#)

Next Payment Amount: \$20.63

[Next Payment Due Date: 12/02/2020](#)

## Top FAQs

You may be eligible for savings of up to 28% with our Family Discount when you activate another subscription on your account.

[Add a Radio](#) [Add Streaming](#)

## Active Radios/Subscriptions

LTP (Edit Nickname)  
ESNRadio ID: 013692990631

Audio:  
Sirius Select  
Lifetime Plan

[I want to...](#)

Listen to SiriusXM Internet Radio on your Smartphone and computer for only \$5.00 a month.  
[Get it now.](#)

Nissan 2018 (Edit Nickname)  
ESNRadio ID: QHDW1DCG

Audio:  
SiriusXM All Access  
Username: sauberman82 (Update Username/Password)  
Monthly Plan - Family Discount  
Subscription renews: 12/02/2020

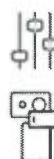
[I want to...](#)

Save \$0.00 on your first year by switching to an annual plan.  
[Start saving now.](#)

I have two or more accounts.  
Can I combine them?  
I'm already a subscriber. Do I  
get a discount on additional  
subscriptions?  
I want to change my  
subscription. What should I  
do?  
Is it possible to subscribe to  
SiriusXM without a radio?  
How do I add my new vehicle  
to my existing SiriusXM  
account? How do I transfer  
my existing paid subscription  
from my old vehicle to my new  
one?  
How do I activate a SiriusXM  
trial in a vehicle?  
What happens to the  
remaining balance on my  
SiriusXM Pre-Paid  
Subscription Card after I pay  
my bill?



## Premier

**\$1** for 4 MonthsThen \$13 a month.  
Fees and taxes apply. See [Offer Details](#) below.

Our premium streaming package. Listen on your phone, at home, and online. [View Channel Lineup](#)

- ✓ 300+ channels to enjoy on your phone, at home, and online
- ✓ News, entertainment, comedy, and sports
- ✓ Ad-free music for every genre and decade, plus streaming channels for your party, workout, and more
- ✓ Thousands of shows and videos available on demand
- ✓ Top sports talk and analysis
- ✓ NHL®, NCAA® play-by-play
- ✓ NFL play-by-play
- ✓ Create your own stations based on artists or songs you choose
- ✓ Two dedicated Howard Stern channels, including video

## Select

**\$5**/mo for 12 Months + anAmazon Echo Dot  
Billed upfront. Then \$16.99 per month.  
Fees and taxes apply. See [Offer Details](#) below.

All your favorites. Listen in your car, on your phone, or at home. [View Channel Lineup](#)

- ✓ 325+ channels to enjoy in your car, on your phone, at home, and online
- ✓ News, entertainment, comedy, and sports
- ✓ Ad-free music for every genre and decade, plus streaming channels for your party, workout, and more
- ✓ Thousands of shows and videos available on demand
- ✓ Top sports talk and analysis
- ✓ MLB®, NBA, NHL®, NCAA® play-by-play
- ✓ NFL play-by-play
- ✓ Create your own stations based on artists or songs you choose
- ✓ Two dedicated Howard Stern channels, including video

## All Access

**\$8.25**/mo for 12 MonthsThen \$21.99 per month.  
Fees and taxes apply. See [Offer Details](#) below.

Our widest variety of entertainment, with the power to customize it to you. [View Channel Lineup](#)

- ✓ 350+ channels to enjoy in your car, on your phone, at home, and online
- ✓ News, entertainment, comedy, and sports
- ✓ Ad-free music for every genre and decade, plus streaming channels for your party, workout, and more
- ✓ Thousands of shows and videos available on demand
- ✓ Top sports talk and analysis
- ✓ MLB®, NBA, NHL®, NCAA® play-by-play
- ✓ NFL play-by-play
- ✓ Create your own stations based on artists or songs you choose
- ✓ Two dedicated Howard Stern channels, including video

**GET SELECT****GET ALL ACCESS**